

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, May 12, 2015

**9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i**

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Planning Commission

1. Contested Case Hearing of March 10, 2015.
2. Meeting of March 24, 2015.
3. Meeting of April 14, 2015.

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

1. Continued Agency Hearing

- a. Class IV Zoning Permit Z-IV-2015-13, Use Permit U-2015-12, Special Permit SP-2015-3 to operate a resource recovery facility for green waste, construction & bulky materials, on a parcel situated along the mauka side of Kaumualii Highway in Kekaha, approx. 0.85 mile inland and 1 mile west of Kekaha Gardens Subdivision, further identified as Tax Map Key (4) 1-2-002: 008, and

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

1. Continued Agency Hearing (Cont'd)

- a. containing a land area of 12.34 acres = *Shredco, LLC*. [Director's Report received 3/24/15, hearing continued 4/14/15.] (Cont'd)

- 1. Supplemental No. 2 Director's Report pertaining to this matter.

2. New Agency Hearing (NONE)

3. Continued Public Hearing

- a. Zoning Amendment ZA-2014-1A: Amendment (Draft Bill No. 2498) to Chapter 8.6 of the Kaua'i County Code (1987), as amended, relating to bus stops for commercial development = *Kaua'i County Council*. [Director's Report received and hearing continued 11/12/13.]

- 1. Supplemental No. 1 Director's Report pertaining to this matter.

4. New Public Hearing (NONE)

5. All remaining public testimony pursuant to HRS 92 (Sunshine Law)

G. CONSENT CALENDAR

1. Status Reports

- a. 2015 Annual Status report (3/12/15) from Avery H. Youn, Architect for Project Development Use Permit PDU-2008-11, Class IV Zoning Permit Z-IV-2008-12 and Use Permit U-2008-10, involving the development of a 34-unit multi-family residential condominium project and commercial complex containing approx. 45,000 sq. ft. of commercial/retail space, Tax Map Key 2-8-008: 001, Koloa, Kauai = *Koloa Village, LLC (formerly Village at Koloa Town, LLC)*.

- 1. Director's Report pertaining to this matter.

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 5/26/15.

- a. Class IV Zoning Permit Z-IV-2015-14 and Use Permit U-2015-13 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the eastern side of Pelehu Road in Kapaa, situated approx. 1/8-mile south of its intersection with Kawaihau Road and further identified as 4698 Pelehu Road, Tax Map Key 4-6-016: 063, and containing a total area of 15,539 sq. ft. = *Daniel G. & Patricia Hempey*.

- 1. Director's Report pertaining to this matter.

G. CONSENT CALENDAR (Cont'd)

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 5/26/15. (Cont'd)

- b. Class IV Zoning Permit Z-IV-2015-16, Use Permit U-2015-15 and Special Permit SP-2015-4 to operate a temporary asphalt batch plant facility on a parcel situated along the mauka side of Kaunualii Highway in Waimea, and Variance Permit V-2015-2 to deviate from the maximum height limitation within the Agriculture District, approx. 0.25 mile inland and 0.75 mile west of Waimea Canyon Middle School, further identified as Tax Map Key 1-2-006: 009, and affecting a 2-acre portion of a larger parcel = ***Maui Asphalt X-IV, LLC***.

- 1. Director's Report pertaining to this matter.

H. EXECUTIVE SESSION

I. GENERAL BUSINESS MATTERS

- 1. Petition to Appeal the Decision of the Planning Director by ***Nadine Begley*** concerning Additional Dwelling Unit Recertification Application (TMK 46011056) filed 4/27/15. Contested Case No. CC-2015-09.
 - a. Director of Planning's Memorandum requesting referral of the matter to a Hearings Officer for hearing of the appeal (4/27/15.)
- 2. Petition to Appeal the Decision of the Planning Director by ***Brett Barton*** concerning Additional Dwelling Unit Recertification Application (TMK 25002046) filed 4/10/15. Contested Case No. CC-2015-8.
 - a. Director of Planning's Memorandum requesting referral of the matter to a Hearings Officer for hearing of the appeal (4/10/15).
- 3. Special Management Area Use Permit SMA(U)-2015-2, Class IV Zoning Permit Z-IV-2015-3 and Use Permit U-2015-3 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the mauka side of Weke Road in Hanalei Town, situated at its intersection with Pilikoa Street, further identified as Tax Map Key 5-5-010: 032 and containing a total area of 7,568 sq. ft. = ***Ed Ben-Dor and Joan Ben-Dor***. [Director's Report received 9/23/14, Applicant's Response to Planning Director's Report received 10/8/14, hearing closed 10/14/14, discussion and action on procedural matters agreed upon 10/28/14, deferred 11/25/14, deferred 12/9/14, hearing closed 2/25/15, Petitioner's Motion for Recusal of Commissioner Jan Kimura withdrawn by Applicant's attorney, Gregory H. Meyers 3/10/15.]
 - a. Final Closing Oral Arguments.
 - b. Applicants' First Amended Proposed Findings of Facts and Conclusions of Law (4/17/15) by Gregory H. Meyers, Attorney for Applicant, Ed Ben-Dor and Joan Ben-Dor.
 - c. Planning Department's Proposed Findings of Fact, Conclusions of Law and Decision and Order (4/17/15) by Mauna Kea Trask and Ian J. Jung, Attorneys for Respondent, Planning Department, County of Kauai.

I. GENERAL BUSINESS MATTERS (Cont'd)

4. Petition to Appeal Notice of Violation and Order to Pay Fines, filed September 10, 2014 = *Greg Allen, Sr.* [Deferred 12/9/14]
 - a. Notice of Appeal of Violation and Levi of Fines (3/18/15) from Gregory W. Kugle.

J. COMMUNICATION (For Action) (NONE)

K. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

L. UNFINISHED BUSINESS (For Action)

M. NEW BUSINESS

1. **For Action – See Agenda F for Project Descriptions**

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, May 26, 2015.**

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes (“H.R.S.”), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050

**KAUAI PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING**

Lihue Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Hawaii 96766

Tuesday, May 12, 2015, 8:30 A.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. Meeting of April 14, 2015.

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

G. GENERAL BUSINESS MATTERS

H. UNFINISHED BUSINESS

I. NEW BUSINESS (For Action)

1. Final Subdivision Action

- a. Subdivision Application No. S-2008-16
(*Melvin Soong / Clarence Soong*)
Proposed 2-lot Subdivision
TMK: (4) 4-6-015:048
Kapaʻa, Kawaihau, Kauaʻi

- 1. Subdivision Report pertaining to this matter.

J. ADJOURNMENT

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Suite A473, Līhuʻe, Hawaiʻi 96766. Telephone: (808) 241-4050.

Pursuant to Section 8-27.8(c) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location
SSD-2015-34	Darcy McCartney	1-3-004:0089	Kekaha
SSD-2015-35	Monica Horgan	5-5-001:040	Hanalei
SSD-2015-37	Barnet & Julie Feinblum	5-3-004:030	Kilauea
SSD-2015-38	Mary Hayes	1-6-006:044	Waimea